

CRIMINAL DOCKET U.S. District Court

Assigned  
PO ☐ 417 4 1706  
Misd ☐  
Felony ☒ District Off Judge/Magistr

WRIT ☐ JUVENILE ☐ ALIAS ☐  
OFFENSE ON INDEX CARD

U.S. (LAST FIRST MIDDLE)  
~~JOHN DOE~~ *Donald Taylor Nicholas*  
*a/k/a Donald T. Nelson*  
**narcotic violation**

Case Filed Mo Day Yr Docket No Def  
06 10 86 000028 23  
No of Defs 33 U.S. MAG CASE NO

I. CHARGES	U.S. TITLE/SECTION	OFFENSES CHARGED	ORIGINAL COUNTS	DISM		GUilty
				NG	NOLO	
I. CHARGES	21§952(a) & 960 18§2	Importation of schedule I non-narcotic controlled substance (marihuana) and aiding & Abetting Cts. 1&3	2	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	21§846, 18§ 2	Attempt to possess with intent to distribute schedule I non-narcotic controlled substance (marihuana) and aiding and abetting Ct. 2	1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	21§841(a)(1), 18§2	Possession with intent to distribute schedule I non-narcotic controlled substance and aiding and abetting Ct. 4	1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

  

INTERVAL ONE	END ONE AND/OR BEGIN TWO (OR RESTART PERIOD TO TRIAL)	END INTERVAL TWO
<p>KEY DATE</p> <p>EARLIEST OF</p> <p>1st arrest</p> <p>summons</p> <p>custody</p> <p>appears on complaint</p>	<p>KEY DATE</p> <p>APPLICABLE</p> <p>Indictment filed/unsealed</p> <p>consent to Magr trial on complaint</p> <p>Information</p> <p>Entry Waiver</p>	<p>KEY DATE</p> <p>1st appears on pending charge /R40</p> <p>Receive file R20/21</p> <p>Supdsgr: X Ind 1 Int</p>

  

ARRAIGNMENT	1st Trial Ended	RE TRIAL	2nd Trial Began	DISPOSITION DATE	SENTENCE DATE	PTD Nolle Pros.	FINAL CHARGES DISMISSED	on def motion on gov't motion
8-19-86								

I. CHARGES	U.S. TITLE/SECTION	OFFENSES CHARGED	ORIGINAL COUNTS	DISM		Guilty
				NG	NOLO	
I. CHARGES	<b>SUPERSEDING INDICTMENT</b>					
	21§952(a) & 960 18§2	Importation of schedule I non-narcotic controlled substance (marihuana) and aiding & Abetting Cts. 1&3	2	<input type="checkbox"/>	<input type="checkbox"/>	
	21§846, 18§ 2	Attempt to possess with intent to distribute schedule I non-narcotic controlled substance (marihuana) and aiding and abetting Ct. 2	1	<input type="checkbox"/>	<input type="checkbox"/>	
	21§841(a)(1), 18§2	Possession with intent to distribute schedule I non-narcotic controlled substance and aiding and abetting Ct. 4	1	<input type="checkbox"/>	<input type="checkbox"/>	
	18§1952(a) & 2	Interstate travel in aid of racketeering and aiding and abetting - Ct. 23	1	<input type="checkbox"/>	<input type="checkbox"/>	

J. DOUGLAS McCULLOUGH

Defense 1 ☐ CJA. 2 ☐ Ret. 3 ☐ Waived. 4 ☐ Self. 5 ☐ Non / Other. 6 ☐ PD 7 ☐ CD

1040 Ave. B.  
Katy, Tex. 77449

70 days up 10/28/86

T.D. 10/14/86.

order  
(Rvt) Dan B. Gerson 11-4-86  
2502 Fannin  
Suite 100  
Houston, Texas 77002

A.P. Johnston  
176 Katy Freeway  
#10000  
Houston, Tex. 77079

FINE AND RESTITUTION PAYMENTS			Docket Entries Begin On Reverse Side		
DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER

Case 4:86-cr-00028-BR Document 22 Filed 06/10/86 Page 1 of 8

PRE-INDICTMENT

Release Date

Bail Denied ☐ Fugitive ☐ Pers. Rec. ☐ PSA ☐ Conditions ☐ 10% Dep. ☐ Surety Bnd ☐ Collateral ☐ 3rd Prty ☐ Other ☐

AMOUNT SET \$

Date Set

Bail Not Made ☐ Date Bond Made

POST-INDICTMENT

Release Date

Bail Denied ☐ Fugitive ☐ Pers. Rec. ☐ PSA ☐ Conditions ☒ 10% Dep. ☐ Surety Bnd ☐ Collateral ☐ 3rd Prty ☐ Other ☐

AMOUNT SET \$ 75,000

Date Set 07/02/86

Bail Not Made ☐ Date Bond Made 07/02/86

S.D. Texas  
APPEALS FEE PAYMENTS

DATE DOCUMENT NO.	Yr 86	Docket No 00028	Def 23	MASTER DOCKET - MULTIPLE DEFENDANT CASE PROCEEDINGS DOCKET FOR SINGLE DEFENDANT	PAGE _____ OF _____	VI EXCLUDABLE DELAY Start Date End Date	Ex Code	Total Days
	<p>OPTIONAL: Show last names of defendants</p> <p><b>V. PROCEEDINGS</b></p> <p><b>JOHN DOE</b></p>							
6-3-86	<b>MOTION TO SEAL INDICTMENT</b>							
6-4-86	<b>ORDER OF SEALING</b>			<p>-Ordered sealed for 7 days unless time extended - Clerk unseal the indict. at 4 P.M. on 6/10/86. May unseal indictment to issue warrants for defts. and provide copies to U.S. Magistrates conducting I.A. and U.S. Atty. (McCotter, Mag.)</p>				
6-6-86	<b>REQUEST FOR ISSUANCE OF WARRANT by U.S. Atty.</b>			-detention requested				
6-6-86	<b>ISSUED WARRANT FOR ARREST</b>			<p>- detention recommended by U.S. Atty - origl. &amp; 1 cy. U.S. Marshal</p>				
6-10-86	<b>INDICTMENT</b>			<p>- 1c: Judge Britt, Mag. Dixon New Bern Div. Office</p>				
6-11-86	<b>MOTION FOR EXEMPLARS by Govern.</b>			<p>- 1c: Mag. Dixon w/prop. Order</p>				
6-16-86	<b>ORDER</b>			<p>that each deft. shall appear at the office of the U.S. Atty., Raleigh, N.C. during normal working hours upon a minimum of three (3) days notice. Further ORDERED that each deft. at that time shall provide an exemplar of his usual handwriting without distortion and major case prints. It is FURTHER ORDERED that the U.S. Atty. make available to each deft. the results of any tests, comparisons, etc. conducted as a result of securing the exemplars and prints. (Mag. Dixon) Cys. dist. to U.S. Atty. &amp; Def't's counsel per: Mag. Dixon. CR. O.B. #4, P. 299.</p>				
7-8-86	<b>SUPERSEDING INDICTMENT</b>			<p>1c: Judge Britt, Mag. Dixon and New Bern Clerk's Office &amp; U.S. Atty. dismissing the original Indictment for the reason that a Superseding Indictment was filed on 7-8-86 - (Judge Britt) Cys. dist. CR. O.B.#4, P. 327.</p>				
7-8-86	<b>ORDER</b>							
7/21/86	<b>RECEIVED MAGISTRATE PAPERS-</b>			<p>from S.Dist. of Texas; Appearance Bond in sum of \$75,000., deposited \$5,000., signed 7/2/86; Order of Release; Affidavit of Ownership of Security for appearance Bond., with travel restrictions; (Financial deputy does not have \$5,000.)</p>				
7-15-86	<b>RETURN ON WARRANT FOR ARREST-</b>			<p>Received &amp; Date of Arrest 6/30/86 Executed and signed by James Conway, FBI Arresting Officer- SDUSM by: Lela Lewis</p>				
				Ent. 7/31/86				

LETTER CODES

For identifying periods of excludable delay per 18 USC 3161-1-1 (Sections in brackets)

A. Exam or hearing for mental/physical incapacity (18 USC 3161-1-1 (A))

B. NARA exam (18 USC 3161-1-1 (B))

C. State Fed or proceedings on other charges (18 USC 3161-1-1 (C))

D. Interlocutory appeal (18 USC 3161-1-1 (D))

E. Transfer from other district per FRCP 20.21 or 10.01 Mov Rule 6a (18 USC 3161-1-1 (E))

F. Proceedings under adjustment not to exceed 30 days after all necessary submissions filed and hearings completed (18 USC 3161-1-1 (F))

G. Misc. proceedings arrangement parole probation revocation deportation extradition (18 USC 3161-1-1 (G))

H. Deferal of prosecution on over 28 USC 2932 (18 USC 3161-1-1 (H))

I. Transportation from another district or to from examination or hospitalization or 30 days or less (18 USC 3161-1-1 (I))

J. Consideration by court of previous plea agreement (18 USC 3161-1-1 (J))

K. Suspension deferred by mutual agreement (18 USC 3161-1-1 (K))

L. Unavailability of defendant or essential witness (18 USC 3161-1-1 (L))

M. Period of mental/physical incompetence or del. to stand trial (18 USC 3161-1-1 (M))

N. Period of NARA commitment treatment (18 USC 3161-1-1 (N))

O. Pending indictment and/or new charges (18 USC 3161-1-1 (O))

P. Det. awaiting trial of co-defendant & no severance has been granted (18 USC 3161-1-1 (P))

Q. Continuance granted per FRCP 18 USC 3161-1-1 (Q)

R. Failure to appear or one of the following reasons (18 USC 3161-1-1 (R))

S. Failure to appear or one of the following reasons (18 USC 3161-1-1 (S))

T. Failure to appear or one of the following reasons (18 USC 3161-1-1 (T))

U. Failure to appear or one of the following reasons (18 USC 3161-1-1 (U))

V. Failure to appear or one of the following reasons (18 USC 3161-1-1 (V))

W. Failure to appear or one of the following reasons (18 USC 3161-1-1 (W))

X. Failure to appear or one of the following reasons (18 USC 3161-1-1 (X))

Y. Failure to appear or one of the following reasons (18 USC 3161-1-1 (Y))

Z. Failure to appear or one of the following reasons (18 USC 3161-1-1 (Z))

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

U. S. vs

NICHOLS, Donald Taylor

86-28-23-Cr-4

Yr. Docket No. Def.

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
	(Document No.)				
8-8-86	ISSUED NOTICE TO APPEAR -now set for arraignment on Tuesday, August 19, 1986, at 10:30 A.M.... in New Bern N.C. before U.S. Magistrate lc: U.S. Atty, & Mr. Gerson and Mr. Johnston				
8-22-86	REQUEST FOR NOTICE OF ALIBI DEFENSE -Pursuant to Rule 12.1, Federal Rules of Criminal Procedure the Gov't hereby request that each def't. listed in the request as provided in Rule 12.1(a), shall give prompt notice of alibi defense (lc J. Britt) Cert. of Serv. Attached Etn. 8-26-86				
8-21-86	ISSUED NOTICE TO APPEAR case set for Jury Trial on Monday, Sept. 8, 1986 at 9:00 a.m. in Fayetteville, N.C. before Judge Britt - lc: U.S. Atty. lc: Counsel of Record				
	ORDER - case is continued from 9/8/86 to 10/14/86 Session at Raleigh excludable under 18:3161(h)(8) (Britt, J) Cr. OB#4, P. 371 lc: U.S. Atty, U.S. P. O., U.S. Marshal, Mag. Dixon and Mr. Gerson	9-8-86	10-14-86		36
8-28-86	ISSUED NOTICE TO APPEAR - set for status and pre-trial conference - Rule 17. 1 before Mag. Dixon on 9/18/86 at Raleigh at 10 A.M. in Courtroom No. 2. lc: Mag. Dixon, U.S. ATty., U.s. P. O., U.S. Marshal, Joyce Todd, Court Reporter and Mr. Gerson				
8-19-86	ARRAIGNMENT - New Bern - McCotter Plea of NG/J Bond executed in TEXas continued Attorney advised to associate local counsel w/n 10 days.				
8-22-86	PRE-TRIAL SCHEDULING ORDER - pre-trial conference by 9-8-86 - motion by 9/18/86 - respnses by 9/29/86. (Dixon, Mag.) cys. distr.				
9/18/86	STATUS CONFERENCE held @ Raleigh; ct. reporter Donna Tomawski; ETT: 2 weeks; motion filing time extended to 9/25/86; Ct. will enter written ruling re pending motions; local counsel requirement waived by court				
9/24/86	GOVERNment's ANSWER TO DEFENDANT'S PRE-TRIAL MOTIONS- by the U. S. Atty's Office; cs attached; cy to Mag. Dixon				
9-22-86	DEFT'S MOTION FOR EARLY DISCLOSURE OF JENCKS ACT MATERIAL- w/cs lc: Judge Britt DEFT'S MOTION FOR PRODUCTION OF INFORMATION FAVORABLE TO THE DEFENSE - w/cs lc: Judge Britt DEFT'S MOTION TO EXCLUDE HEARSAY-w/cs lc: Judge Britt				

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
9-22-86	<p>DEFT'S MOTION FOR INFORMATION REGARDING PRIOR OR SUBSEQUENT BAD ACTS - w/cs lc: Judge Britt</p> <p>DEFT'S MOTION TO INCORPORATE AND ADOPT MOTIONS OF CO-DEFENDANTS w/cs - lc: Judge Britt</p> <p>DEFT'S MOTION IN LIMINE - w/cs - lc: Judge Britt</p> <p>DEFT'S MOTION FOR PRODUCTION AND DISCOVERY OF EVIDENCE-w/cs - lc: Judge Britt</p> <p>DEFT'S MOTION IN LIMINE(re: \$49,750.00 and weapon) - w/cs - lc: Judge Britt</p> <p>DEFT'S MOTION TO SUPPRESS EVIDENCE - w/cs - lc: Judge Britt (ORIGINAL ORDERS SENT WITH THE MOTIONS TO JUDGE BRITT)</p>				
9/26/86	<p>REPORT ON HEARING AND ORDER-the government is <b>ORDERED</b> to provide the defendants with Rule 16(a)(1)(A) statements; with Rule 16(a)(1)(B) prior criminal records; with Rule 16(a)(1)(C) documents and tangible objects; and, with Rule 16(a)(1)(D) reports of examinations and tests. The government is <b>ORDERED</b> to forthwith disclose or produce any evidence which tends to establish any defendant's innocence, to mitigate punishment, or to impeach, discredit or contradict the testimony of any witness whom the government anticipates calling at trial. The government is <b>ORDERED</b> to disclose Jencks material on the Friday before the first Monday of the term at which this case is scheduled for jury selection and trial; the government is <b>ORDERED</b> to disclose the existence of electronic surveillance in its investigation leading to this indictment, the existence of any informants in the case, and the existence of agreements not to prosecute or to recommend leniency in exchange for testimony. The government is <b>ORDERED</b> to disclose to any defendant the evidence it intends to use to establish that defendant's participation in other crimes, wrongs, or acts to show motive, opportunity, intent, preparation, et cetera, even if those other acts are outside the indicted charges; motion to retain rough notes is <b>ALLOWED</b> in the absence of any opposition; government is <b>ORDERED</b> to disclose evidence arguably subject to suppression; the motion for a pre-trial hearing on the admissibility of co-conspirators' statements is <b>DENIED</b>; motion for pre-trial disclosure of non-witness interview, prospective witness interviews or reports, memoranda, or other internal documents in connection with the investigation or prosecution of this case is <b>DENIED</b>; motion for pre-trial disclosure of grand jury material is <b>DENIED</b>; parties are <b>ORDERED</b> to exchange witness lists on October; otherwise the motion for pre-trial disclosure of witnesses' identity is <b>DENIED</b>; suppression motions are <b>MOOT</b> and are <b>DENIED</b>; defendants' time for filing motions was extended to Sept. 25; gov't is to respond no later than Wed., Oct. 1, 1986;</p>				

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKETU. S. vs NICHOLS<sup>5</sup>, Donald Taylor

86-28-23-CR-4

Yr. Docket No. Def.

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
	(Document No.)				
9/29/86	ISSUED ORDER TO APPEAR - Deft. to appear for Jury trial on Tuesday, 10/14/86 at 9:00 A. M... AT RALEIGH, N. C.. lc: counsel of record ag				
10/2/86	Hearing on motions to suppress & motion in limine set for Thursday, 10/9/86 at 9:00 A. M. before Judge Britt Courtroom #2 - Raleigh, N. C. lc: U. S. Atty. Mr. Gerson; Ms. Todd; Court reporter & Judge Britt				
10/3/86	ORDER-the defendants Steven Michael Kalish, Phillip Earnest Watkins and Donald T. Nichols are to be guided by the Court's order of Sept. 26, 1986 in respect to discovery and disclosure obligations and any appeal options either the defendants or the government may be advised to pursue; DIXON, W.W., U.S. MAG.; CR OB #5 p. 7, cc dist; cy to Judge Britt ENT: Oct. 3, 1986				
10/7/86	MEMORANDUM IN OPPOSITION TO DEFENDANT'S MOTION TO SUPPRESS EVIDENCE by U. S. Atty. lc: Judge Britt				
10/8/86	WITHDRAWAL OF MOTION TO SUPPRESS - hearing to be held on Thursday, 10/9/86 at 9:00 A. M. before Judge Britt in Courtroom #2 - Raleigh, N. C. lc: U. S. Atty. McCullough & Judge Britt also advised U. S. Marshal & Joyce Todd				
10-27-86	MOTION TO WITHDRAW AS COUNSEL - w/cs U.S. Atty., lc Judge Britt with Proposed order				
10/16/86	Instantanter warrant issued - deft. called & failed - Deft. to be held w/out privilege of bond <i>Base. set for trial 12/8/86 Raleigh</i>				
11-4-86	ORDER The motion of Dan B. Gerson for permission to withdraw as counsel of record for the deft. is allowed. Judge Britt, CR OB # 5, p 51 cys. to U.S. Atty, Mr. Gerson, Probation (ent. 11-4-86) ms				
	MOTION FOR FORFEITURE OF APPEARANCE BOND lc Judge Britt with proposed order				
12-9-86	ORDER Upon due consideration of the plaintiff's motion for forfeiture of appearance bond it is ordered that the above named defednant's appearance bond in the sum of \$75,000 be and the same is hereby forfeited. Judge Britt CR OB # 5, p 91 cys. dist. (ent. 12-9-86) ms <i>cc. U.S. Atty. Mr. Gerson, Probation Office in Sussex, N.C. only applied</i>				
12-11-86	MOTION FOR JUDGMENT ON APPEARANCE BOND - cys to U.S. Atty., original order to Judge Britt w/copy				

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
12/15/86	ORDER - ordered said principal and sureties personally appear before the Honorable Court at Courtroom 4-7th floor, Raleigh, N. C. on 1/5/87 at 2:30 P. M. to show cause if any why judgment on bond forfeiture should not be entered against them. served: Donald T. Nichols; Rayna King; Forest Reed; Dan B. Gerson; A. R. Johnson & U. S. Atty.				
12/31/86	MOTION TO CONTINUE from 1/5/86 at Raleigh before Judge Britt				
12/31/86	ORDER - motion to continue hearing scheduled for 1/5/87 at 2:30 P. M. is continued until rescheduled by court (W. Earl Britt ) (Called Tom Swaim this date and advised - per Sharon Hartmon - U. S. Atty's office to get in touch with all necessary parties				
1/15/87	ISSUED NOTICE TO APPEAR - for Hearing on bond forfeiture to be held on Monday, 2/9/87 at 2:00 P. M. before Judge Britt lc: U. S. Atty.; Dan B. Gerson; Rayna King; Forest Reed; & A. R. Johnson				
2/9/87	RESPONSE TO GOVERNMENT'S MOTION FOR JUDGMENT ON APPEARANCE BOND by A. R. Johnston, pro se				
2/9/87	Hearing at Raleigh, N. C. on motion for bond forfeiture bond forfeited - C. R. Jo Bush \$75,000.00 ( ea. surety to pay \$25,000.00) sureties served: A. R. Johnston, Rayna King & Forest Reed				
2-19- 87	JUDGMENT ON BOND FORFEITURE -It is hereby ordered, adjudged, and decreed that judgment be entered against Forest Reed who shall be severably liable for \$25,000 credit being to given to him for his \$2,000 deposit and against Rayna King who shall be severably liable for \$25,000 of the \$75,000 bond, pursuant to 18 U.S.C., § 3146(d). Both surety A.R. Johnson and U.S. Attorney are directed to submit briefs on the issue of whether or not the automatic stay afforded by 11 U.S.C., § 362 prevents entry of judgment against A.R. Johnson by March 11, 1987, whereupon this judgment shall be amended regarding A.R. Johnson, Judge Britt, CR OB # 5, p 157 lc U.S. Atty., lc Mr. Johnson, lc Rayna King, and Forest Reed. (ent. 2-24-87) Judge Britt				
9-29-86 **	DEFENDANT'S -REQUESTED JURY INSTRUCTIONS -REQUEST FOR SPECIFIC VOIR DIRE QUESTIONS TO THE JURY cys. to Judge Britt.				
3-10-87	BRIEF: IN RE AUTOMATIC STAY OF 11 U.S.C. §362 - w/exhibits attached. lc: Judge Britt				
3-11-87	SUPPLEMENTAL MEMORANDUM OF LAW IN SUPPORT OF BOND FORFEITURE by Govern. w/cs. lc: Judge Britt				

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

U. S. vs NICHOLS, Donald Taylor

86-28-23-CR-4

AO 256A \*

Yr. Docket No. Def.

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
3/13/87	ORDER - motion of plaintiff for judgment as to surety, A. R. Johnson, is denied (W. Earl Britt, Judge CR OB #5 P166) cys. dist. 3/13/87) (ent. 3/13/87) 1 cert cy. U. S. Atty. Johnson; RaynaKing & Forest Reed				
12-20-88	TRANSCRIPT of Bond Forfeiture Hearing before the Honorable W. Earl Britt at Raleigh on Monday, February 9, 1987 Volume 1 of 1 - Pages 1 through 15 - C.R. Jo Bush jp				
6/27/89	MARSHALS RETURN ON WARRANT FOR ARREST OF DEFENDANT - executed 6/8/89 in ED Texas and transported to W. D. La. by U. S. Marshals office - deft. to be tried in La. first - Judy Weinbrenner to check proper procedure w/someone in authority in her office ag				
7/12/89	Deft. arrested on instanter warrant - taken by Marshals - Western District of La. Deft. has <del>been</del> absconded for over 21 days - when deft. arrives back in this district - he is to receive another 70 days. ag				
9/28/89	CONSENT TO TRANSFER CASE FOR PLEA AND SENTENCE under Rule 20 to WD/Louisiana, Lafayette Division; cc to AUSA/EDNC, 2 cc ret'd to WD/La				
"	MEMORANDUM rec'd requesting transfer of record to WD/La pursuant to Rule 20				
9/29/89	Certified copy of entire record forwarded to WD/La along w/JS-3 closing card & docket entries bb				

**AO 256A**

DATE		PROCEEDINGS (continued)		V. EXCLUDABLE DELAY			
		(Document No.)		(a)	(b)	(c)	(d)